

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:11-CV-239

NLAYER COMMUNICATIONS, INC.,

Plaintiff,

v.

NETRIPLEX, LLC,

Defendant.

**CONSENT JUDGMENT**

Pending before the Court is the Motion for Entry of Judgment [# 29]. The parties move the Court for the entry of a Consent Judgment in this case. Upon a review of the record in this case, the Court **GRANTS** the motion [# 29] and **ENTERS** the following Consent Judgment pursuant to Rule 54 of the Federal Rules of Civil Procedure:

1. On October 30, 2012, the parties participated in a mediated settlement conference that resolved all outstanding issues and claims that were or could have been brought in the instant action. A true and accurate copy of the Memorandum of Settlement regarding the same is attached as Exhibit A to the parties' Motion for Entry of Judgment [# 29-1]. The Court incorporates by reference Exhibit A [# 29-1] into this Order.

2. It appears to the Court the parties have reached a compromised settlement as to all outstanding claims and are entitled to the relief requested.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that judgment be granted in favor of nLayer Communications, Inc. ("nLayer") and against Netriplex, LLC ("Netriplex") as follows:

1. That Netriplex render payment to nLayer in the amount of \$3,000 on or before November 9, 2012, by delivering it to nLayer's counsel of record at the following address:

John C. Lindley III  
Johnston, Allison & Hord, P.A.  
1065 E. Morehead Street  
Charlotte, NC 28204

2. That, in addition thereto, judgment in the amount of \$105,000 be entered in favor of nLayer and against Netriplex with interest accruing at the legal rate from and after entry of this Consent Judgment;

3. That Netriplex provide nLayer copies of its profit and loss statements and balance sheets on a quarterly basis for two years from the date of this Consent Judgment; and

4. This Consent Judgment is hereby adopted, approved, and made a judgment enforceable in accordance with its terms and by the contempt powers of this Court. All claims not explicitly addressed in this Consent Judgment are hereby dismissed, with prejudice, each party bearing its own costs and attorneys' fees.

This the 31st day of October, 2012.

CONSENTED TO:

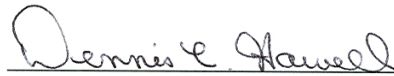
/s/ John C. Lindley III

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Attorneys for Defendant, Netriplex, LLC

Signed: November 2, 2012



Dennis L. Howell  
United States Magistrate Judge

